

## The Theory and Practice of Soviet International Law

A number of works appeared within the last twenty years in the Soviet Union and its occupied countries of eastern Europe concerning the Soviet approach to international law. The subject is rather uniformly treated and discloses a government approved version which individual writers have to follow. Consequently, not only the contents but also the form of all writing on the topic adopts a uniform pattern.

### I. The Concept of Soviet State and Law

A brief exposition of the Soviet concept of law has to precede the treatment of international law since it is constructed on the basis of general law. The term *law* as it is used in Soviet legal doctrine has a different meaning than in the western countries. Although communist law is defined as a system of norms set by the state, it is meant not only to uphold a given political order but is designed to play an active role in the restructuring and building of communist society. Its major function is to ensure the fulfillment by the people of all their duties toward the state and the society.<sup>1</sup> The emphasis is on duties toward the state rather than on rights as against the state. The state is defined by Lenin as the organized government by the ruling class through which the ruling class governs the society. The dictatorship of the ruling class constitutes the political foundation of the state. It is unlimited, is not regulated by laws of any kind and relies purely on force and violence. Such rule is legitimate only from the point of view of the ruling class. It is illegitimate from the point of view of all the citizens since it subsists exclu-

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<sup>1</sup>2 PRÁVNICKÝ SLOVNÍK (Law Dictionary), Praha, Orbis (1978), at 121–122; 2 V.S. PETROV, and L.S. IAVICH, OBSHCHAYA TEORIA GOSUDARSTVA I PRAVA (General theory of state and law), Leningrad, Izd. Leningradskogo Universiteta (1974), at 29–33.

sively for the benefit of the ruling class.<sup>2</sup> The citizens will not submit voluntarily. Consequently, to force them to obey the laws and regulations expressing the will of the ruling class, a system of coercion has to be set up which assures the binding nature of the law.<sup>3</sup>

The concept of Soviet law conforms fully to the Marxist-Leninist principles which stress its class character. The ruling class in the Soviet Union and the East European countries it controls is the "working class" of which the communist party is the vanguard. The government of the ruling class is in the hands of the Communist Party. The will of the ruling class is the law and the law is an instrument of state policy through which the Communist Party directs the development in all fields of endeavor and governs the country.

The dictatorship of the proletariat thus means that of the Communist Party which forms a tiny fraction of the population. In 1979, the Communist Party of the Soviet Union had 16,721,322 members out of a population of some 263 million.<sup>4</sup> Its membership thus amounts to some 6.36 percent of the population. Membership may be obtained only by invitation and through several years of candidate membership. As a ruling class, the Communist Party wants to stay small, elitist and hold all echelons of power. Party members are correspondingly remunerated. The distinction between members and non-members may be likened to the distinction between noblemen and villeins in the feudal system of the Middle Ages. The system has been perpetuated for more than sixty years of communist rule over Russia and may be regarded a permanent feature of communist society. The Communist Party runs the country for its own benefit and holds the entire non-communist population in submission by coercive measures through its police and armed forces.<sup>5</sup>

Since every aspect of life is government regulated, the citizen finds himself in total subjection to government authority. The government and its agencies are the only employer and decide where, in what capacity, and for what remuneration a person will work. They also are the exclusive owner of housing and assign living quarters to the population. Neither may be changed without government approval. Everyone age 16 and above has to

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<sup>2</sup>*Id.*, 1 PRÁVNICKÝ SLOVNÍK, at 391; IURIDICHESKII SPRAVOCHNIK DLIJA NASELENIA (Law Dictionary), Moskva, Iuridicheskaja Literatura (1973), at 339; Kamil Fabian, *K otázkám rozvoje marxisticko-leninské obecné teorie státu a práva*, 117 Právník 1051 (1978).

<sup>3</sup>*Supra* note 1, PRÁVNICKÝ SLOVNÍK, at 352; *supra* note 2, IURID. SPRAVOCHNIK, at 78.

<sup>4</sup>JOHN L. SHERER, USSR FACTS AND FIGURES, Academic Internat. Press, 1980, at 83.

<sup>5</sup>Children of party members have precedence and acquire party membership as a matter of course. Party membership stays thus in the family. This feature of communist rule whereby the communist ruling class perpetuates itself on family basis makes the communist rule resemble the feudal system of the Middle Ages when landed nobility constituted the ruling class. Overall, there is a striking resemblance of the feudal system in all its aspects with the Communist party rule with the only exception that the Communist Party rule controls and rules over the nation more completely and ruthlessly than the feudal lords in the Middle Ages. In view of the prominence in power and status Communist Party members hold and the privileges they enjoy to the exclusion of the population, people frequently call them the "red bourgeoisie" or the "red fascists."

hold an identity card, an internal passport, which must be shown to the police on demand, in which the government makes entries of important data concerning its holder including the place of employment and address.<sup>6</sup> The state is all-powerful. It is run by communist bureaucracy and is responsible to no one. The state and the Communist Party are only different entities of one and the same body. The communist bureaucracy is appointed from among Communist Party members by the Communist Party which constitutes the policy-making entity while the state serves as an executive instrument of the Communist Party as it carries party decisions into effect. The Communist Party in its hierarchically organized structure is the directing force but party officers simultaneously hold state offices commensurate with their rank so that the highest representatives of the party hold the highest state offices. Within the Communist Party, the power also stays at the top and the leadership which reaches the top by ruthless struggle within the party holds dictatorial powers, unlimited and uncontrolled until unseated. To continue in power, the Communist Party leadership relies on the secret and uniformed police and the armed forces it controls. A dictatorial regime for the purpose of its own perpetuation has thus been produced at a scale not yet known to history.

According to Soviet legal theory, the law proceeded through several stages of development. It moved from a primary, family type law to the law of a slavery-oriented state, then to a feudal law and state, and later to bourgeois law and state.<sup>7</sup> The slave state is typified by old Rome, the feudal state by the state and law of the Middle Ages, and the bourgeois state and law by states of western Europe from the seventeenth century to the present. Socialist state and law appeared with the establishment of the Soviet Union in 1917. It is a higher type of law as compared with anything in the past.<sup>8</sup> But even this law will eventually wither away after the establishment of true communism.<sup>9</sup>

None of the present communist treatises seems to take the withering away of the state and the law seriously. It is only a theory of Marxism-Leninism which is being dialectically explained in the sense that the state and the law will continue to exist even under true communism.<sup>10</sup> There always will have to be an authority, organization and supreme power, writes Engels.<sup>11</sup>

In view of the rule of communism in Russia for over sixty years within which the Communist Party had ample time and opportunity to set up a system of law and government of its preference and within which it consoli-

<sup>6</sup>*Supra* note 2, IURID. SPRAVOCHNIK, at 294.

<sup>7</sup>K.A. MOKICHEV, *TEORIA GOSUDARSTVA I PRAVA* (Theory of state and law), Moskva, Iuridicheskaja literatura, (2d ed., 1970), 149-204.

<sup>8</sup>*Id.* at 225-245, 365.

<sup>9</sup>*Id.* at 594-602.

<sup>10</sup>*Id.* at 594-598; *supra* note 1, 1 OBSHCHAYA TEORIA, at 291-303; 2 JIŘÍ BOGUSZAK, *TEORIE STÁTU A PŘÁVA* (Theory of state and law), Praha, Orbis (1968), at 313-320.

<sup>11</sup>*Supra* note 7, at 596.

dated the very system it set up immediately in 1917, a drastic change implied in the expectation of the withering away of state and law at some very remote future time cannot in all honesty be expected. On the contrary, during all of its existence the Communist Party has been strengthening its grip on state and law, and the system presently in existence in the Soviet Union constitutes the very embodiment of party dictatorship brought to ultimate perfection. The perfecting of its rule over the population with a view of making it impossible for the people to remove the Communist Party from power cannot be taken as development or evolution of state and law. It evidences a total stagnation of communist thought. Soviet state and law remains rigid, inflexible, jealously protecting the privileges of the Communist Party—the ruling class. Its objective is to perpetuate its rule over Russia and extend it into other countries.<sup>12</sup>

## II. The General Premise of Soviet International Law

International law is the body of rules which regulate the relations between states. As all legal norms, the norms of international law express the will of the ruling classes. Its objective is the protection, strengthening and development of relations favorable to the ruling classes. International law thus regulates the relations between the ruling classes of states.<sup>13</sup>

International law went through the same stages of development as law in general. It existed in the time of slavery, in the time of feudalism, and under the bourgeois rule.<sup>14</sup> At the time of the Great October Revolution in 1917, international law was produced by all three types of society.

International law is built on a social-economic basis. International relations between states are determined by economic factors and economic production. Prior to 1917, all such relations were undertaken by the bourgeois class of the several capitalist countries and were controlled by bourgeois law. In international relations, international law regulated relations between the bourgeois class of the several capitalist states. The exploited classes were excluded from any influence on public matters and were oppressed in the several capitalist states by the internal bourgeois law designed to protect the interests of the ruling bourgeoisie as against the "working" class. As it stood in 1917, international law was bourgeois international law since it represented exclusively the interests of the bourgeois class worldwide.<sup>15</sup> Its highlight consisted of the setting up of the Versailles-

<sup>12</sup>*Id.* at 246–267.

<sup>13</sup>MIROSLAV POTOČNÝ, *MEZINÁRODNÍ PRÁVO VEŘEJNÉ* (Public International Law), Praha, Panorama (2nd ed. 1978), at 11–117; G.V. IGNATENKO & D.D. OSTAPENKO, *MEZHDUNARODNOE PRAVO* (International Law), Moskva, Vysshaya shkola (1978), at 5–7.

<sup>14</sup>*Id.*, *MEZHDUNARODNOE PRAVO*, at 15–27; D.B. LEWIN & G.P. KALIUSHNAIA, *VÖLKERRECHT LEHRBUCH*, Staatsverlag der Deutschen Demokratischen Republik, (1967), at 31–49. For the history of Soviet Science of International Law see: KAZIMIERZ GRZYBOWSKI, *SOVIET PUBLIC INTERNATIONAL LAW*, (1970), at 1–51.

<sup>15</sup>*Supra* note 13, POTOČNÝ, at 25–28; *MEZHDUNARODNOE PRAVO*, at 23–27.

Washington system of imperialism. The bourgeois international law thus produced served the exploitative interests of the world bourgeoisie.<sup>16</sup>

With the Great October Revolution of 1917, and the foundation of the Soviet Union, the first socialist state in the world, international law moved into its next stage, that of temporary peaceful coexistence of socialism and capitalism. Since the communist revolution was initially successful only in one country, Russia, Lenin foresaw a long period of coexistence of communism with capitalism in the world.<sup>17</sup> Nonetheless it is only a temporary coexistence until the destruction of capitalism by communism. During this time, the Soviet Union will cooperate with the capitalist states in all areas of endeavor, the political, economic, cultural, etc., with the objective of preparing favorable conditions for the successful struggle of the "working" class of the capitalist countries and its seizure of power in these countries, and also, for the struggle of colonial and dependent countries toward their liberation from capitalist imperialist oppression.<sup>18</sup> Peaceful coexistence is thus a specific type of class war.<sup>19</sup>

Bourgeois international law as a class law of the bourgeois class cannot be applied to and is not binding on the Soviet Union. Such rules lose therefore their general obligatory character.<sup>20</sup> The Soviet Union can accept only such rules which are in accord with its nature as a socialist state. Such rules may also be acceptable to the capitalist states. The bourgeois ruling classes will accept such rules as the best available under the circumstances although they are to their detriment. The rules of international law are to be taken dialectically so as to enable the bourgeois class to conclude its historical development and be superseded by socialism.<sup>21</sup> In the period of peaceful coexistence, the capitalist states, oblivious to the danger, will gladly cooperate with the Soviet Union toward their own destruction. From the point of view of communism, such cooperation is highly desirable.<sup>22</sup> The rules of international law thus produced are not yet socialist rules but are not capitalist rules either as they display "progressive" features. Especially instrumental in this process are the newly emerging states after their victory over colonialism. The law thus formed may be termed international law of the temporary period of transition from capitalism to socialism.<sup>23</sup>

<sup>16</sup> *Supra* note 13, MEZHDUNARODNOE PRAVO, at 27.

<sup>17</sup> *Supra* note 14, VÖLKERRECHT LEHRBUCH, at 61.

<sup>18</sup> *Id.* at 62.

<sup>19</sup> *Supra* note 13, MEZHDUNARODNOE PRAVO, at 36.

<sup>20</sup> *Id.*, POTOČNÝ, at 28.

<sup>21</sup> *Id.* at 29.

<sup>22</sup> *Supra* note 14, VÖLKERRECHT LEHRBUCH, at 63.

<sup>23</sup> *Supra* note 13, POTOČNÝ, at 31.

### III. The Soviet Concept of International Law After World War II

Excessive military and economic aid by the western powers during World War II and continued economic assistance since then strengthened greatly the standing of the Soviet Union in the world. With its continued increase in military and economic power, it resumed its policy of "peaceful coexistence" with renewed vigor. Making use of all available means and fora, it is leading a determined attack on the existing international law in an effort to modify it to its own desires. In its "struggle for peace" as this offensive has long been called, it presses especially the following points which it claims are emerging as principles of international law, namely, those of nonaggression, peaceful settlement of disputes, self-determination of peoples, peaceful coexistence, disarmament, respect for human rights, and the prohibition of war propaganda.<sup>24</sup> It attempts to give a new meaning to these well-established concepts in order to cause disorientation and dissension.

#### 1. *The Principle of Nonaggression*

Before the Great October Revolution, international law had recognized the right of states to go to war, and one state could resort to war against another whenever it considered it advisable.<sup>25</sup> The very first decree of the Soviet state, the Decree on Peace of October 26 (November 8), 1917, solemnly declared that an annexationist war was "the greatest crime against humanity."<sup>26</sup> The Covenant of the League of Nations did not prohibit aggressive war, although it restricted the right of member states to resort to war and provided for sanctions.<sup>27</sup> Aggressive war was also classified an "international crime" in the Declaration on Aggressive Wars adopted by the League of Nations Assembly in 1927, and the Pact of Paris of August 27, 1928, contained a prohibition of aggressive war.<sup>28</sup> The Soviet Union did not participate in working out these documents but it is indisputable that the very fact of the emergence of the Soviet state caused the growth of the forces of peace which propagandized the idea of prohibition of aggressive wars and played a decisive role in the birth of this principle. In acceding to the pact of Paris, the Soviet government pointed out that wars for the purpose of suppressing national liberation movements should be prohibited, as well as blockade, intervention, military occupation of foreign territory, of foreign ports, and so forth.<sup>29</sup>

<sup>24</sup>G.I. TUNKIN, *THEORY OF INTERNATIONAL LAW*, (1974), at 49; *supra* note 13, MEZHDUNARODNOE PRAVO, at 84; *supra* note 14, *Völkerrecht Lehrbuch*, at 66.

<sup>25</sup>*Id.*, TUNKIN, at 50.

<sup>26</sup>FIRST DECREES OF SOVIET POWER, (Yuri Akhapiuk ed. 1970), at 20-22.

<sup>27</sup>*Supra* note 24, TUNKIN, at 50.

<sup>28</sup>*Id.* at 51.

<sup>29</sup>*Id.* at 52.

The United Nations Charter further developed the principle of nonaggression as it prohibits both the threat to use force and the use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations (Art. 2(4)). The Declaration of Principles of International Law adopted by the United Nations General Assembly on October 24, 1970, states the prohibition and criminality of aggressive war very precisely: "A war of aggression constitutes a crime against the peace, for which there is responsibility under international law."<sup>30</sup> In the special committee entrusted with the drafting of the declaration, a significant difference emerged with respect to the prohibition of the use or threat of force. The imperialist powers attempted to narrow the concept of the prohibition while the socialist countries desired to make the prohibition as broad as possible.<sup>31</sup>

The special committee discussed the question of the right of peoples of dependent territories to use force against colonial domination,<sup>32</sup> and it was said that in their actions against forcible actions depriving them of the right to self-determination, colonial peoples may seek and receive support from without. It is obvious that colonial peoples may use retaliatory forcible actions by virtue of the right to self-defense in their liberation struggle against forcible actions.<sup>33</sup>

A new generally recognized principle of nonaggression thus emerged as a result of the activity of "progressive" forces.<sup>34</sup>

The above Soviet exposition of its theory of nonaggression is remarkable in that it attempts to credit itself with the effort of the international community of states within the framework of the League of Nations which found expression in the Geneva Protocol of 1924,<sup>35</sup> and the Briand-Kellogg

<sup>30</sup>G.A. Res. 2625 (XXV), October 24, 1970, and G.A. Res. 3314 (XXIX), December 14, 1974; Vladimír Kopál, *Úsilí Sovětského Svazu a Další ich Socialistických Států o Rozvoj a Důsledné uplatňování Zásad Mirového Soužití*, 117 PRÁVNÍK, (1978), No. 9, at 757 n.769. The declaration prohibits: (a) the use or threat of force to violate the existing international boundaries of another state or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of states, or to violate international lines of demarcation, including armistice lines; (b) acts of reprisal involving the use of force; (c) organizing or encouraging the organization or irregular forces or armed bands, including mercenaries, for incursion into the territory of another state; (d) organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another state or acquiescing in organized activities within its territory directed toward the commission of such acts, when the acts referred to involve a threat or use of force; (e) the military occupation of the territory of a state resulting from the use of force in contravention of the United Nations Charter; (f) the acquisition of territory of another state resulting from the threat or use of force; (g) forcible actions which deprive peoples of their rights to self-determination, freedom, and independence. *Supra* note 24, TUNKIN, at 54.

<sup>31</sup>*Supra* note 24, TUNKIN, at 53.

<sup>32</sup>*Id.* at 54.

<sup>33</sup>*Id.* at 54-55.

<sup>34</sup>*Id.* at 57.

<sup>35</sup>Protocol for the Pacific Settlement of International Disputes, Opened for signature at Geneva, October 2, 1924, League of Nations Document, C.606.M.211. 1924. IX. 2 HUDSON, INTERNATIONAL LEGISLATION, 1922-1924, No. 128, Carnegie Endowment for International Peace, (1931), at 1378.

Pact.<sup>36</sup> It immediately proceeds to subvert these principles by equating them with those of the communist Decree of Peace and the communist propaganda. The Soviet argument on the right of people of dependent territories to use force against colonial domination and to receive support from without is only a parallel to the right of the "working class" of the "bourgeois" or "imperialist" countries to use force against their governments and receive support from without. By not surrendering to communist domination, the countries of the free world are committing aggression against which the "progressive" forces of communism are exercising only their right of self-defense. This constitutes then the alleged newly emerging principle of nonaggression.

Since their establishment in 1917, the Soviets have waged war against the Russian nation and the other nations of democratic Russia as it stood in November of 1917. After subjugating them in a civil war, they instituted their regime of terror. In 1920, they militarily attacked Poland but were defeated. In September 1939, they militarily invaded Poland in concert with Hitler's Germany. The German attack on Poland was made possible by the Nonaggression Treaty between Germany and the USSR of August 23, 1939.<sup>37</sup> The Soviets could have used their influence in preserving peace by joining France and Great Britain in containing Germany, but following this route they would have been working toward the preservation of peace and that they were unwilling to do. They wanted to induce Germany to wage war against France and Great Britain, and they achieved it by enabling Germany to attack Poland, which was assured of assistance by France and Great Britain. They received the eastern half of Poland from Hitler's Germany as their reward.

In November 1939, the Soviet Union attacked Finland and seized a part of its territory. As a result of its aggression, it was expelled from the League of Nations on December 12, 1939.<sup>38</sup> In June 1940, the Soviet Union seized Bessarabia and northern Bukovina from Rumania, which submitted following a threat by the Soviet Union to use military force. Also in June 1940, the Soviet Union militarily occupied and annexed into the Soviet empire the Baltic republics of Estonia, Latvia, and Lithuania.

At the close of World War II, the Soviet Union seized and annexed Sub-Carpathian Ruthenia from Czechoslovakia,<sup>39</sup> Tanu Tuva in central Asia, and the Japanese territories of southern Sakhalin and the Kurile Islands. It annexed the northern part of eastern Prussia and the Petsamo district of Finland.

The Soviet Union keeps under military occupation or supervision the countries of eastern and central Europe, which at the close of World War II it deprived of national independence by installing therein regimes of its

<sup>36</sup>94 L.N.T.S. 2137 (1929), at 58.

<sup>37</sup>Reichsgesetzblatt, 1939, II. S. 968; Dept. of State Bull., (1939). Vol. 1, at 172.

<sup>38</sup>143 British and Foreign State Papers, 1939, at 562.

<sup>39</sup>F. NĚMEC & V. MOUDRÝ, *THE SOVIET SEIZURE OF SUBCARPATHIAN RUTHENIA* (1955).



agents, namely, in Poland, East Germany, Czechoslovakia, Hungary, Rumania and Bulgaria. Repeated efforts of these countries for self-determination were brutally suppressed by Soviet armed force, in East Germany in 1953, in Hungary in 1956, and in Czechoslovakia in 1968. In 1979, the Soviet Union invaded Afghanistan and installed there a regime of its agents similar to that which it keeps in the East European countries. With its rise in military power, the Soviet Union is in the process of committing acts of aggression around the globe, especially in Africa and Asia. It directed the aggression of North Korea against South Korea in 1950, and that of North Vietnam against South Vietnam in the 1960s and 1970s. It openly incites aggression in the Middle East and in Latin America and works toward the institution of communist regimes in all presently free countries in its determined drive for world domination.

## 2. *The Principle of Peaceful Settlement of Disputes*

The principle of peaceful settlement of disputes developed in parallel with the principle of nonaggression. It did not exist prior to the Great October Revolution.<sup>40</sup> The Covenant of the League of Nations in articles 12 and 13 provided for the peaceful settlement of disputes to some extent but it did not preclude nonpeaceful means of settling disputes.<sup>41</sup> Eventually, the Pact of Paris of 1928, and the General Act for the Pacific Settlement of International Disputes of 1928, established the principle of peaceful settlement of disputes.<sup>42</sup> Article 2(3) of the United Nations Charter expressed the principle in precise form. This is how the Soviet doctrine of international law summarizes the principle.

The Soviet Union does not have a good record in the upholding of this principle. It can be assumed that prior to its attack on Poland in 1920, it had a dispute with that country, but it made no attempt to settle it by peaceful means. It repeated its attack on Poland in 1939 in accordance with a plan for its partition together with Hitler's Germany without the slightest effort for a peaceful settlement. The same applies to the Soviet aggression against Finland in 1939, and to the other subsequent aggressions enumerated above,<sup>43</sup> namely against Rumania, Estonia, Latvia, and Lithuania in 1940, against Czechoslovakia in 1948 and 1968, against East Germany in 1953, Hungary in 1956, and Afghanistan since 1979. In all these cases, the Soviet Union committed "the greatest crime against humanity" pursuant to its Decree on Peace of October 26 (November 8), 1917.

<sup>40</sup>*Supra* note 24, TUNKIN, at 57.

<sup>41</sup>*Id.* at 58.

<sup>42</sup>*Id.* at 59.

<sup>43</sup>*See* section 1. The principle of nonaggression, above.

### 3. *The Principle of Self-Determination of Peoples*

According to Soviet legal literature, the Soviet Union is waging a persistent struggle for the recognition of the principle of self-determination of peoples in contemporary international law.<sup>44</sup> Although the origin of the principle dates back to the period of "bourgeois" revolutions, a new period of struggle to introduce the principle into international law began with the emergence of the Soviet state. Having placed the right of nations to self-determination at the base of its nationality question, the Soviet government pressed for the recognition of the principle as one of international law. In the Decree on Peace of October 26 (November 8), 1917, the Soviet government proposed the adoption of the principle.<sup>45</sup> At an interallied conference at London in September 1941, the Soviet government contrasted the vague and diffuse formulas of the Atlantic Charter with its precise position on the right of nations to self-determination.<sup>46</sup>

In formulating the Charter of the United Nations, the imperialist powers, the United States, England, and France attempted by every means to prevent the inclusion of a Soviet amendment embodying the principle in the charter. Taking advantage of their majority at the San Francisco conference, they succeeded in changing the Soviet amendment but were compelled to include a reference to independence as one of the purposes of trusteeship. But the struggle was not over yet. The representatives of the colonial powers tried to transform the principle of self-determination of peoples into an empty shell. Hypocritically stating that they recognize the principle of self-determination of nations, the representatives of the colonial powers pointed out the danger of applying this principle, the possibility of violation of public order and of rights and interests of other states.<sup>47</sup> But eventually the covenants on human rights adopted on December 16, 1966, by the United Nations General Assembly incorporated a detailed formulation of the right to self-determination.<sup>48</sup> Thus, as it has been pointed out repeatedly in Soviet literature, the right of peoples to self-determination is defined in these documents not merely as the right of a people or nation to create its own state. It includes the right of a people independently to decide the question of its own economic, social, and cultural development

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<sup>44</sup>*Supra* note 24, TUNKIN, at 60.

<sup>45</sup>*Id.* at 61-62.

<sup>46</sup>*Id.* at 62. The Soviet government stated: "The Soviet Union has implemented and is implementing in its foreign policy the high principle of respect for the sovereign rights of peoples. In its foreign policy the Soviet Union has been guided by the principle of self-determination of nations. . . . Being guided in all of its policies and in all of its relations with other peoples by these principles, the Soviet Union unfailingly has opposed with consistency and resolve all violations of the sovereign rights of peoples, aggression and aggressors, and all and any attempts of aggressive countries to impose their will upon peoples and to plunge them into war." 1 VNESHNIAIA POLITIKA SOVETSKOGO SOIUZA V PERIOD OTECHESTVENNOI VOINY (1944), at 146.

<sup>47</sup>*Supra* note 24, TUNKIN, at 63-64.

<sup>48</sup>*Id.* at 66-67. G.A. Res. 2200 (XXI), December 16, 1966.

and to dispose of its own natural wealth.<sup>49</sup>

In direct contradiction to Soviet bombastic claims, the communist regime in Russia was, since its inception in 1917, an archenemy of self-determination of nations. Under communist rule, the already existing superiority of the Russians over all other nationalities of the Soviet empire was further expanded. In its war against Poland after World War I, the Soviet government was determined to deny Poland the right of self-determination. Similarly, it attempted to deny that right to Estonia, Latvia, and Lithuania. The Soviet Russian regime also denied the right of self-determination to all other nations within its empire. By war waged against the Ukrainians in 1917–1920, the Soviets overthrew the Ukrainian government, occupied the Ukraine, and denied its people the right of self-determination. The same applies to the longing for self-determination of all the other nations and nationalities within the Soviet empire.

It must be realized that Russians form no more than 50 to 55 percent of the population in the USSR.<sup>50</sup> They not only were primarily responsible for the establishment of communism in the country, but they suppress other nationalities. The oppression of the other nationalities is thus twofold, by communism and by nationality. More than 100 different nations and nationalities live in the USSR. The Soviet government denies them the right of self-determination.<sup>51</sup>

Since 1940, the Soviets have been successful in depriving Estonia, Latvia and Lithuania of their national independence by incorporating them into the Soviet empire. At the close of World War II, the Soviets militarily occupied Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and parts of Germany, now known as East Germany. They installed there communist regimes of their agents. The Soviet Union is in full control of these countries and nations, and the Soviet regimes there, reminiscent of colonial oppressors, deny these nations the right of self-determination. Since 1979, the Soviet Union has been attempting to incorporate Afghanistan into its empire. While the former colonial powers Great Britain, France, Portugal, the Netherlands, Belgium, and Spain granted their colonies full independence and honored their right of self-determination, the USSR, on the contrary, is in the process of creating a colonial empire by trampling under foot the right of many nations to self-determination.

#### 4. *The Principle of Peaceful Coexistence*

As discussed above,<sup>52</sup> according to Soviet doctrine the principle of peace-

<sup>49</sup>*Id.* at 67.

<sup>50</sup> 4 PŘÍRUČNÍ SLOVNÍK NAUČNÝ (Encyclopaedic Dictionary) (1967), at 325.

<sup>51</sup>*Id.*, and *supra* note 4, at 97. The most numerous of them are: Ukrainians (38 mil.), Belorussians (8 mil.), Tatars (5 mil.), Uzbeks (6 mil.), Kazakhs (3.6 mil.), Azerbaidzhanians (3 mil.), Armenians (2.8 mil.), Gruzians (2.7 mil.), Moldavians (2.3 mil.), Jews (2.3 mil.), Chuvashs (1.5 mil.), Mordvins (1.3 mil.), Tadzhiks (1.4 mil.).

<sup>52</sup>See the section on the general premise of Soviet international law, *supra*.

ful coexistence made its appearance in international law with the establishment of the Soviet Union in 1917. Since then, the Soviet Union has been instrumental in making it a generally recognized principle of international law. For over a half-century, international law has developed under the influence of the ideas of the Great October Revolution, yet their creative role is far from exhausted. The change in the correlation of forces to the advantage of socialism and peace ensures a continuing importance of their role in the development of contemporary international law.<sup>53</sup>

As explained above,<sup>54</sup> the period of peaceful coexistence during which the principle of peaceful coexistence applies is a specific type of class war waged by the Soviet Union and the worldwide communist movement against the "capitalist" states. After the inevitable victory of communism and the establishment of worldwide communist rule, a purely "socialist" international law will come into power and the principle of peaceful coexistence will become obsolete.

### 5. *The Principle of Disarmament*

Since its inception in 1917, the Soviet Union has advocated a general and complete disarmament.<sup>55</sup> Under the pressure of peace-loving forces, certain provisions relating to the limitation of armaments were included in the Covenant of the League of Nations. Yet, in the 1920s and 1930s, the imperialist circles showed reluctance to limit armaments. Proposals of the Soviet government concerning complete disarmament, as well as proposals concerning partial disarmament were rejected. The capitalist monopolies saw in the arms race not merely a source of enormous profits, but also a means of ensuring their domination, both within their own countries and also in the colonies.<sup>56</sup>

The United Nations Charter, prepared with the active participation of the Soviet Union, reflects a different international situation characterized by a significant growth of democratic forces. The General Assembly resolutions of December 14, 1946 (41/I) and of November 4, 1954 (808/IX) advocate the limitation and the reduction of all armed forces and all conventional armaments as well as the prohibition of the use and manufacture of nuclear weapons.<sup>57</sup> The General Assembly Resolution on General and Complete Disarmament of November 20, 1959 (1378/XIV), adopted at the initiative of the Soviet Union, emphasizes the need for general and complete disarmament under effective international control.<sup>58</sup> The Soviet proposal was linked closely with the principle of nonaggression. The next

<sup>53</sup> *Supra* note 24, TUNKIN, at 14-20 and 69-75.

<sup>54</sup> See the section on the general premise of Soviet international law, *supra*.

<sup>55</sup> *Supra* note 24, TUNKIN at 75; N.I. LEBEDEV, A NEW STAGE IN INTERNATIONAL RELATIONS, (1978), at 90.

<sup>56</sup> *Supra* note 24, TUNKIN, at 76.

<sup>57</sup> *Id.* at 76-77.

<sup>58</sup> *Id.* at 77.

logical stage in the development of international law in this sphere should be the international legal prohibition of the means of aggression; that is to say, general and complete disarmament. The conclusion of a treaty on general and complete disarmament and the elimination of weapons of war would create effective legal and material guarantees for the observance of the principle of nonaggression and consequently also of the principle of peaceful coexistence.<sup>59</sup>

Contrary to the above claims and assertions, the Soviet Union has since its inception followed a policy of military strength and has increased its military posture as much as possible. After World War II, while the Western allies demobilized their armies, the Soviet Union did not do so at a corresponding level and kept about 4 million men along the borders of Western Europe.<sup>60</sup> Ever since then it has maintained its economy virtually on a war footing and has increased its war potential to a maximum of its possibilities. As of 1981, it probably has the largest war machinery ever created on earth.

### 6. *The Principle of Respect for Human Rights*

The emergence in international law of principles and norms affecting human rights was part of its progressive change under the influence of the ideas of the Great October Revolution and of socialist democracy as a new, higher type of democracy.<sup>61</sup> After World War II, the United Nations Charter introduced the principle of respect for basic human rights into international law. During the process of drafting the Universal Declaration of Human Rights in 1947–1948, the Soviet Union sought to work out a document which could be used in the struggle for the rights of the working people. This struggle positively affected the content of the declaration, but the Western powers rejected many proposals of the Soviet Union. Because of this, the Soviet Union abstained in the voting on the declaration.<sup>62</sup>

Important international conventions on human rights like the Convention on the Prevention of the Crime of Genocide (1948) and the Convention on the Elimination of All Forms of Racial Discrimination (1965) were adopted within the framework of the United Nations.

The principle of respect for human rights as a principle of general international law comes down to the following: (a) all states have a duty to respect the fundamental rights and freedoms of all persons within their territories; (b) states have a duty not to allow discrimination by reason of sex, race, language, or religion; (c) states have a duty to promote universal respect for human rights and fundamental freedoms and to cooperate with one another in achieving this objective.<sup>63</sup>

<sup>59</sup>*Id.* at 78–79.

<sup>60</sup>MICHAEL CSIMAS, *DER WARSCHAUER PAKT* (1972), at 8–9.

<sup>61</sup>*Supra* note 24, TUNKIN, at 79.

<sup>62</sup>*Id.* at 80.

<sup>63</sup>*Id.* at 81.

The above Soviet statement on the respect for human rights makes one wonder. The ideas of the Great October Revolution, which brought only misery and suffering to people who have the misfortune of living under Soviet tyranny and the regime set up thereunder in Russia, are given out as a new, higher type of democracy. Strong language is apparently needed to conceal the total disregard for human rights in the Soviet Union. One needs only to read Alexander Solzhenitsyn's *Gulag Archipelago* to realize that the Soviet rulers have, since the very beginning of their régime in 1917, governed in breach of the principle of respect for human rights enumerated above, including the genocide and racial discrimination conventions.

### 7. *The Prohibition of War Propaganda*

The principle of the prohibition of war propaganda derives from the principle of the prohibition of aggressive war and the principle of peaceful coexistence. If aggressive war is prohibited, then the preparation for such an act is also unlawful. Similarly, war propaganda stirring up hatred among peoples and worsening relations among states contravenes the principle of peaceful coexistence.<sup>64</sup> Basing itself on the principle of the prohibition of aggressive war, the International Military Tribunal, which tried the major German war criminals, recognized that the planning and preparation for war was a crime against peace. In a resolution adopted on December 11, 1946, the General Assembly of the United Nations affirmed the principles of international law recognized by the charter and the judgment of the Nuremberg tribunal. In a draft Code of Offenses against the Peace and the Security of Mankind, drawn up by the International Law Commission in conformity with the U.N. General Assembly resolution, the preparation by the authorities of any state for the employment of armed force against another state as well as a conspiracy to commit crimes specified in the draft code is considered to be a crime against the peace and security of mankind.<sup>65</sup>

The Soviet Union enacted a Law on the Defense of Peace on March 12, 1951, which prohibits war propaganda as the gravest crime against humanity, and the Law on Criminal Responsibility for Crimes against the State of December 25, 1958, which provides punishment therefor.<sup>66</sup> The principle of the prohibition of war propaganda is constantly violated by imperialist states who conduct a licentious campaign against the Soviet Union accompanied by an exaggerated war psychosis and extensive war propaganda.<sup>67</sup>

What the Soviet Union understands under the principles of nonaggression and peaceful coexistence has already been mentioned under 1 and 4 above. The Soviet claim that the principle of the prohibition of war propa-

<sup>64</sup>*Id.* at 83.

<sup>65</sup>*Id.* at 84; 2 UNITED NATIONS, YEARBOOK OF THE INTERNATIONAL LAW COMMISSION 1951 (1962), at 135.

<sup>66</sup>*Supra* note 24, TUNKIN, at 86.

<sup>67</sup>*Id.* at 84.

ganda is violated in the "imperialist" states is wrong insofar as it refers to the Free World, but it is correct when applied to the Soviet Union. Like czarist Russia, the Soviet Union has been expanding its empire at every opportunity. Since World War II, the Soviet Union has been inciting strife and war in Greece, Korea, Vietnam, the Middle East, Africa, and Latin America. Soviets made weapons appear all over the world in revolutions and civil wars. This does not prevent the Soviets from claiming hypocritically that the Western democracies conduct a campaign of war propaganda. Stressing the principle of the prohibition of war propaganda, the Soviet Union undertook an act of self-indictment.

#### IV. The Present Position of Soviet International Law and the Principle of Socialist Internationalism

According to Soviet theories, international law finds itself presently in the time of transition from capitalism to socialism (communism).<sup>68</sup> Capitalism represents the "reactionary" elements while socialism (communism) is "progressive" and will succeed over capitalism. After World War II, in addition to the Soviet Union, the motherland of socialism (communism), there appeared a number of communist regimes in the countries of eastern and central Europe. These countries are knit together politically, economically and militarily. They form the socialist (communist) block and constitute the foundation of a worldwide socialist (communist) system toward the establishment of which they are constantly working. In this respect they are governed by the principle of socialist internationalism which is the aggregate of Marxist-Leninist principles in international relations.

Socialist internationalism is not only a postulate but a binding legal norm for all members of the socialist (communist) block.<sup>69</sup> Its main feature is the principle of comradely mutual help also known as the principle of socialist internationalism in the narrow sense. It developed from the principle of proletarian internationalism expressed in the *Communist Manifesto*: "Proletarians of all countries unite." Socialist internationalism went through two stages of development and is presently in its third stage. In its first stage it was applied on a non-governmental level as a principle applicable to the units of the working class in individual states in their struggle against their own bourgeoisie and that of other states toward the victory of communism. In its second stage since 1917, the year of victory of bolshevism in Russia, it became the leading principle of foreign policy of the Soviet Union in addition to the continuing struggle on non-governmental basis, and applied fully to the relations of the proletariat on worldwide basis. The third stage began with the setting up and the development of a worldwide communist system. Since then, socialist internationalism con-

<sup>68</sup>*Id.* at 431-432; *supra* note 13, POTOČNÝ, at 16-27.

<sup>69</sup>*Supra* note 24, TUNKIN, at 431-443.

sists in the brotherly help given to the communist countries, i.e., countries where the proletariat is already victorious, as well as to the proletariat of the still-surviving capitalist countries in its struggle toward the victory of communism.

The gist of the principle of socialist internationalism is expressed by the right and duty of a socialist state to cooperate with other socialist states in their struggle against imperialism and give each other comradely help in the building and strengthening of worldwide communism. The obligation of mutual help applies in all spheres of endeavor, political, military, economic, cultural and scientific. Socialist internationalism is thus a common international duty of all communist countries. Examples of international comradely assistance include the assistance given by the Soviet Union in 1956 to the Hungarian people in their struggle against counterrevolution; the collective assistance of the Soviet Union, Poland, the German Democratic Republic, Hungary, and Bulgaria to the Czechoslovak people in 1968, in the defense of socialism; the assistance given by all socialist states to the Vietnamese people in their struggle against American aggression; and the brotherly assistance given to the Afghan people since 1979 in their struggle against imperialism.

The above exposition of communist law and international law is remarkable in that it has very little to do with either. As far as communist law is concerned, it is a device for the oppression and ruthless exploitation of entire nations by a thin minority of Communist Party members, who due to the privileges enjoyed by them, are called "the red bourgeoisie" by their own people. As to international law, it is nothing less than a means in the struggle for world domination and a device for aggression. Like Hitler's Germany, the Soviet Union is not concealing its aim of world domination.

International law is used by the Soviets as an instrument to achieve their nefarious ends. Their so-called struggle for peace, i.e., communist peace, has for its objective the weakening of the Free World's resolve to resist communist aggression. To that end they make efforts to enmesh the Western powers in treaties, agreements, and declarations which impose obligations on them to their detriment, while the Soviets have not the slightest intention of keeping their part of the bargain. Prominent in the Soviet treaty offensive are their efforts in the area of arms limitation, mutual force reduction, promises not to use atomic weapons, prohibition of chemical warfare, and without hesitation an offer of total disarmament. All this is done while the Soviet economy is virtually on a war footing and its military might is constantly growing at an alarming rate. The Free World is also induced to advance huge financial credits to the Soviet Union both directly and through its occupied countries of eastern and central Europe which enable the Soviets to build an even stronger war machine. At the same time, the Soviet Union is doing its utmost to undermine their Free World victims internally through the efforts of local communist parties and well-meaning, naive fellow travelers.



## V. A Candid View of the Soviet State, Communist Party and Foreign Policy

The above explained Soviet statements, theories and exposés on the Soviet state, Communist Party, law and international law are meant mainly for public use both internally and externally. In the Free World, which is not well acquainted with Soviet realities and which cannot properly distinguish between make-believe and true facts due to Soviet efforts to conceal the truth, their impact is considerable. This is not so within the Soviet Union and the Soviet empire where everyone is confronted with both the official thesis and the raw reality of daily life. Although the Soviet rulers are unable to persuade the nations who have the misfortune of being subjected to their rule of the correctness of their assertions, they never tire of repeating the same slogans, theories and allegations in accordance with the method used by German Nazi propaganda machinery under the notorious Dr. Goebbels who thought that a lie repeated a thousand times may ultimately be believed. Taken as a whole, the Soviets must be credited with perfecting and improving on the Nazis in this respect. But quite apart from the effort to misrepresent and to mislead, the Soviets, like the Nazis, know the truth about themselves and their policies. They rarely state it in public but exceptionally, when the occasion calls for the truth, they do not hesitate to disclose it. Such a rare occasion would arise in the case of the breakaway of a brotherly party which happens to be too powerful to be suppressed, like that of Czechoslovakia in 1968, and where brotherly assistance under the aegis of socialist internationalism would be met by the force of arms. Unable to suppress it militarily, the Soviet Union attacks it with a propaganda barrage of, among other things, truthful statements. The truths disclosed are of universal validity and apply especially to the Soviet Union, the first and original "socialist" state on this planet. The Soviets know their business and their statements can be taken at face value.

Such a rare occasion arose in the case of Red China. After some hesitation, the Soviet official media began to heap abuse on the Chinese Communist Party. Apart from the abuse, they disclosed the truth about themselves, their state, their law and their international law which they know so well. The Soviet thesis is presented as follows:<sup>70</sup>

The constitution of the People's Republic of China of 1978 exemplifies the broad gulf between the precepts of law and the reality of daily life. The constitution recognizes two kinds of ownership of the means of production, the socialist ownership and the cooperative ownership. Socialist ownership means state ownership and comprises the means of production of all kinds

<sup>70</sup>O. BORISOV and M. ILIN, MAOISTICKAIA "KULTURNAIA REVOLUTSIA," Moskva, Opasnii kurs (1974), No. 5, at 117; J. Škvařil, *Nové rysy ideologie maoismu po smrti Mao Ce-tunga, Soudobá Čína*, 2 INFORMAČNÍ BULLETIN UML UV KSČ (1979). G.A. Štěpanovová, *Maoistická revize marxisticko-leninského učení o straně*, 1 ÚML ÚV KSČ, (1979), 1.; Ladislav Křížkovský, *Ústava České Lidové Republiky a realita života čínské společnosti*, 119 PRÁVNÍK, 8 (1980), at p. 755.

of industry. Cooperative ownership is formed by that of the communes, large production brigades, and other production brigades. It would be a mistake, however, to consider these Maoist institutions socialist. The constitution of the People's Republic of China is only an instrument of a political group which usurped the right to wield state power and to determine the internal and external authority of the state. In the evaluation of the substance of ownership it is not decisive what the law says but who actually controls and disposes of the means of production and is benefited thereby. Socialist ownership of the means of production presupposes their use by the collective owner—the people—either directly or through its organizations. In the People's Republic of China, however, all use of the means of production falls within the exclusive domain of the state in order to make a great power out of China by the end of this century. All activity of the country is geared to the preparation of war. The means of production and the labor of the Chinese people do not serve the fulfillment of the historic mission of the working class—the liberation of society—but on the contrary they are used toward the total enslavement of the working class and the attainment of wholly antisocial, expansionistic and hegemonic ends. The only group which benefits from this economic and political set up in addition to the ruling Maoist clique is the so-called patriotic bourgeoisie.

There is therefore no socialist ownership in China, but a special type of state ownership of property, of which the people were deprived. This property constitutes the economic foundation of the country. It is state ownership of an antisocial character controlled by an autocratic group of Maoist chieftains who usurped the authority to shape the destiny of China. The system has nothing to do with socialism and is in the service of the most reactionary interests.

The distribution of the means of production and of the products for consumption does not disclose any socialist features either. The state as an overlord owner of all means of production autocratically determines not only the economic goals, structure and plan, but also the principles of policy on wages and the distribution of goods. It claims to apply the principles "he who does not work, neither shall he eat," and "each according to his ability—to each according to his work," but it ignores the fact that these principles acquire a socialist character only within the framework of a socialist method of production. The conditions of life in China disclose an antisocial system of production and distribution. The realization of the principle "to each according to his work" approaches zero due to the reduction of the standard of living to a minimum. The Maoist leadership cultivates in China an equalitarian asceticism, a communism of abject poverty. By ruthless exploitation of labor and the appropriation of the surplus value, it has acquired the means for the building of a gigantic military-industrial complex and for the total militarization of Chinese society. The Maoist leadership constantly increases the pressure on the people to raise productivity without any corresponding increase in the standard of living. A typi-

cal feature of the state-enforced social asceticism is the method of stimulation of productivity which prefers honorific rewards to material rewards, medals to bread.

The improper constitution of the economic basis of Chinese society results necessarily in an erroneous construction of all its superstructural features, especially those of the state and of the political system. Far from being a socialist state, the People's Republic of China constitutes in fact a denial of the dictatorship of the proletariat. It is ruled by a small group of Maoistically oriented representatives of the military-industrial complex by means of a bureaucratic apparatus for most efficient oppression. It is not a dictatorship of the proletariat but a dictatorship over the proletariat and the entire Chinese nation with the objective of making backward China the most powerful country in the world. The chief method of realization of state power consists in intimidation and outright violence. The Maoists consider brute force the necessary attribute of socialist revolutions in the building of communism. They hold the view that the class struggle constitutes a universal rule in the development of every society, including socialist and communist society, and is manifested by a ruthless struggle for power. An arbitrary definition of classes enables the Maoists to make an equally arbitrary determination of class antagonism as a conflict between the supporters of Maoism and its opponents and allows them to unleash violence against anyone at random. Those who agree with the policy of the party and state leadership are considered the working people while those who have comments or who dare even to criticize are branded class enemies. This state of affairs strengthens the union of Maoists with cunning careerists, spineless rogues, and members of the so-called patriotic bourgeoisie on the one hand, and leads to the oppression of class conscious workers and peasants who cannot accept the total abandonment of the principles of Marxism-Leninism on the other. Such class conscious workers and peasants are considered by the Maoists their most dangerous class enemies.

The theory of continuing revolution is used as a justification of permanent political violence not only within China but also in international relations. The Maoists give out this theory as the rule of socialist revolutions and takeovers all over the world and attempt to make it an instrument of external expansion. They claim that China has the historical mission to rule the world. Accordingly, they consider a third world war inevitable and stand for the violent solution of international conflicts. They therefore make preparations for war, support scientific and military research and the development of modern war technology, build strong armed forces in the field, in the air and in the seas, and accumulate huge stocks of goods and food for war use. All this discloses the true nature of the People's Republic of China as a military autocracy with deep rooted antisocial and anticommunist tendencies which aim at worldwide domination.

The constitutional delimitation of the leading role of the Communist Party of China has an equally fictitious character. According to article 2 of the constitution of the People's Republic of China, the working class leads the state through its vanguard, the Communist Party, which is also described as the leading force of all Chinese people. In truth, however, the Communist Party of China is not communist, is not a vanguard of the working class, nor a leading force of the Chinese people. The Communist Party of China has at no time been a party of the proletariat. Since its inception, the Communist Party of China was a predominantly peasant party—a small bourgeois party. The working class formed only a fraction of one percent of the total population of China. A small group of revolutionaries was dispersed in the sea of small bourgeois elements within the Party and could not imbue it with the principles of Marxism-Leninism. Mao created a situation within the party whereby he would determine the actions of the party apparatus, the state and the army without consulting any other member of party leadership. The leading role of the party continued to be stressed, but in practice it became an instrument of the personal dictatorship of Mao. The principle of election of party officers was not maintained, nor that of the collective decision making and subordination of the minority to the majority. Democratic centralism was substituted by bureaucratic centralism. An atmosphere of the personality cult was created under which all criticism was suppressed and intimidation, arbitrary administrative action, chicanery, and permanent purges became an integral part of the system. Yet the Maoists proceeded even farther. By means of neofascist groups of youth and various debased elements, special political units of the army and spineless careerists within the party, they exposed honest party officers and members to humiliation, suffering and outright physical destruction. From party officers and soldiers who demonstrated boundless devotion to Mao and his clique, they formed a new party organization and leadership. To perpetuate their rule within the party, party officers are not elected by the local groups of party membership but appointed from above. The party proceeds to further militarization of daily life, speeds up preparation for war, and proceeds to accomplish its antisocial and inhuman goals of world domination.

## **VI. The True Face of Soviet State and Law and Future Foreign Policy Prospects**

The above Soviet exposé on Red China presents an inside analysis of the Soviet system. One needs only to substitute the Soviet Union for China and Lenin, Stalin, Khrushchev, or Brezhnev for Mao to obtain an accurate picture of the Soviet state and the Communist Party at any given time since 1917. The Soviet system is truthfully characterized as the negation of all the Soviet assertions continuously repeated as to its substance, function and operation. Apart from facts, the outstanding feature of the analysis is the wide gulf between theory and practice. The Soviets preach one thing but

do another. Their system is built on deliberate misinformation, misrepresentation and a whole structure of methodically planted lies. Unwary observers are enmeshed in the webs of "scientific" theories to lead them away from the truth. Behind the theoretical smoke-screen appears a true picture of centuries old Russian autocracy perfected by new skills and techniques into a ruthless dictatorship of a privileged class of party technocratic nobility. The system is imbued with the spirit of traditional Russian imperialism and messianism. The drive for world domination taken over from the czars and the Russian orthodoxy is carried on further with uncanny efficiency and determination by the Soviet state and the Communist Party—the new atheistic church.

The distinction between theory and practice in the Soviet "struggle for peace" appears poignantly from the above treatment of the principles of Soviet international law, namely those of nonaggression, peaceful settlement of disputes, self-determination of peoples, peaceful coexistence, disarmament, respect for human rights and prohibition of war propaganda.<sup>71</sup> The repeated assertion of those principles by the Soviet Union may be contrasted with the actual actions of the Soviet state which testify to their full denial. The Soviet Union was the only state expelled from the League of Nations because of uncivilized conduct.<sup>72</sup> Its record of respect for international law has not improved since then but on the contrary has grown worse at an alarming rate. Its determined pursuit of its "struggle for peace" is likely to be stepped up in the future in accordance with the increase in Soviet military might.

The Free World must respond to this challenge by strengthening its defenses and consider carefully whether its trade with the Soviet empire does not benefit the Soviets more than its Western partners. As the Soviet threat is global in its nature encompassing all aspects of life, the Free World's response should also be global. The Free World should strive to reverse the present pattern of its relations with the Soviet empire whereby it only responds to the Soviet challenge. It could well take to the offensive on the ideological field in view of the decreasing impact of Soviet propaganda which finds it more and more difficult to give out its make-believe theories of "socialism" as a viable alternative to the system of economy as it exists in the Free World. The initiative taken by the West in the area of human rights is causing the Soviets more serious headaches than the Free World realizes and it is a good beginning in the right direction. The Free World should especially concentrate on and support the burning desire of the countries of Soviet-occupied central and eastern Europe for self-determination. In addition, the suppressed non-Russian nations of the Soviet Union are receptive to encouragement by the Free World toward their liberation from the Soviet-Russian yoke. The double oppression by Russians and by

<sup>71</sup>See the section of the Soviet concept of international law after World War II, *supra*.

<sup>72</sup>*Supra* note 38.

communism is hard for them to bear, and they would welcome a political change. The Soviet rulers are well aware of that and the realization of this tremendous internal weakness accounts for their caution and restraint in their drive for world domination. It must be realized that their restraint is not an expression of goodwill but is imposed on them by the internal weakness flowing from the desire of their captive nations for freedom. In adopting such new policies, the Free World would be able to put the Soviets on the defensive and greatly improve its standing in its endeavor to preserve the peace.